

September 11, 2006

I. Call to Order/Roll Call/Opening Ceremonies

Chairman Alex Vispoli opened the meeting of the Board of Selectmen on Monday, September 11, 2006 in the Selectmen's Conference Room in the Town Offices at 6:30 p.m. with the opening ceremonies. Roll call was taken and Selectmen Lyman, Major and Chairman Vispoli were present. Selectman Teichert was absent. Selectman Hess joined the meeting shortly thereafter. Also present were Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman noted that today they commemorated the 5th anniversary of the 9/11/01 World Trade Center terrorism attack. Also remembered was MaryAnn O'Leary, a former employee in the Accounting Department of the Town, who passed away this weekend. Recording Secretary Elizabeth A. Kochakian took these minutes. This meeting was duly posted and cablecast live.

II. Communications/Announcements/Liaison Reports

Town Manager Stapczynski:

- They had the 9/11-observance program this morning in front of the Town Offices. Veterans Agent John Doherty did a fine job with that. He remembered four Andover residents plus Evan O'Neill who was killed in service in Afghanistan in 2003.
- The Department of Community Services fall booklet for programs and activities is in the mail to residents and is full of all kinds of activities for family members of all ages.
- The Board of Health met last week and put arrangements in place for mosquito spraying on Wednesday evening with a Thursday rain date around the schools and athletic areas. The Manager said they have been no reports of mosquitoes with the infected Eastern Equine Encephalitis (EEE) virus found in Andover. It has been found in Haverhill and Methuen so they are taking a proactive step. He said they also do lavaside spraying in the spring and hope it will have a beneficial effect on the fall time.
- Andover Days will be held this Saturday along with Art in the Park from 10:00 a.m. to 4:00 p.m. He asked if any Selectmen wanted to be at the Town's table to contact him by the end of the week.
- The State primary will be held this Tuesday, September 19th. Randy Hanson announced that people whose precincts have been changed would be receiving notification of that in the mail. Precincts 1, 7 and 8 will vote at the Senior Center; the rest will be at the High School as usual. Polls will be open from 7:00 a.m. to 8 p.m. She was looking for everyone to vote on Tuesday.
- The League of Women voters is working on putting together a forum on Proposition 2.5 on October 26, 2006 in the Old Town Hall. The featured speaker is going to be Mary Clare Higgins, President of the MMA and Mayor of Northampton. They are looking for other speakers for the forum.
- The date for people interested to serve on the Andover Historical Society is Friday, September 15, 2006. They have four names from people that have submitted letters.
- The CIP projects are being compiled and if residents have any suggestions for capital improvement projects, he asked that they get them in as soon as possible. They are looking forward to getting that process going soon.
- The Manager passed out a booklet on the new program initiated by the Merrick Valley Chamber of Commerce, "Merrimack Valley Means Business." He said this is their effort to have economic development as a forefront in the Valley. They are going to have a kickoff lunch this Friday at Sal's River Walk in Lawrence if Selectmen were interested in attend. He said this will be an opportunity to see their program at work; it is an interactive GIS system they put in place so that one can click onto one of the towns in the valley, determine the size of building one wants, what location, and if anything available it will get right to it. The Manager said they are happy to be part of it.

September 11, 2006 (Cont.)

II. Communications/Announcements/Liaison Reports (Cont.)

Town Manager Stapczynski (Cont.):

- School opened successfully last week. A big thanks to the School Department, school custodians, Plant and Facilities and all the workers for getting a whole host of activities, programs, and renovations done this summer.
- Regarding the Youth Center, Brian Major reported that there will be a meeting on Tuesday, September 26 at 7:00 p.m. in the 2nd floor Conference Room for the subcommittee and a public session will be held on Wednesday, September 27, 2006, at the Memorial Hall Library at 7:00 p.m. to describe the site change and how the building will be laid out on the Doherty site. A second public hearing will be held in the Town Offices at 9:00 a.m. on Friday on the 29th.
- The theme this year for training is "diversity." There will have a two day diversity training workshop next Tuesday and Wednesday, the 19th and 20th of September in the Memorial Hall Library to train a number of people. He asked the Selectmen to stop in if they were available. He said they did some training in diversity this last spring and this is the next step in that.
- The Manager said he discovered that the Town Charter was approved July 1956, 50 years ago, by the legislature. However, the voters didn't approve it until the annual town meeting two years later in March of 1958. So in 2008, he said they may have a celebration of the Charter being 50 years old for the Town of Andover.

Selectman Mary Lyman:

- As a following up on the Wood Memorial, Selectman Lyman reported that she and the Manager have been working on that memorial and Mrs. Wood is ready to move on it. She and the Manager have met with individuals from the Historical Commission including Karen Herman, Jim Batchelder, Ann Constantine, Fred Design and Chris Huntress. They have had several discussions and the Manager has come up with a good idea; that is to develop it for the next stage and putting it out to bid and asking for architects to weigh in on it. Mrs. Wood has ideas of where it should go but she is open to input. They have the language to go on the plaque and will be moving ahead on this fairly soon, hoping to have it done by June. Selectman Lyman said the inputs from the individuals mentioned are priceless. They have put in a lot of time and effort on this. She believes it will be a high quality memorial and something to be proud of.

Selectman Hess arrived at this time.

Selectman Alex Vispoli:

- As the subcommittee on Vehicle Usage, Selectman Vispoli said that he and Mary Lyman are getting information from the 16 comparable towns to Andover on car usage as to best practices on what is done today. He hoped to have it for the next meeting or so.

September 11, 2006 (Cont.)

III. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Lyman that the Board approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
MEMORIAL HALL LIBRARY			
Alex Shvarts	Library Page - PT	\$7.25/hr.	9/1/06 (v. A. Kurkul)
Susan Buckley	Library Aide - PT (v. C. Melahn)	\$9.00/hr.	9/12/06
PLANT AND FACILITIES DEPARTMENT - Parks & Grounds Division			
Lloyd L. Park	Equipment Operator II/ W-4-4-1 Equipment Mechanic (v. W. Miner, Jr.)		9/18/06
POLICE DEPARTMENT			
Quincy Torres	Program Assistant - PT \$15/hr. New Horizons Program		9/12/06
Robert P. Gardner	Dispatcher (v. C. Cooper)	D1-583-1-0	9/12/06

The Motion was seconded by Selectman Major, voted and approved 4-0.

It was moved by Selectman Lyman that the Board approve the following appointments by the Town Manager:

CULTURAL COUNCIL

Jennifer Cullen-Struhl (v. D. Hender) - Term expires 6/30/07
Denise Johnson (v. N. Gammon) - Term expires 6/30/08 Donald W.
Robb - Term expires 6/30/09

The motion was seconded by Selectman Hess, voted and approved 4-0.

B. Common Victualler License

It was moved by Selectman Hess that the Board approve the request of Manager William Nicholson, Draeger Medical Systems, Inc. 6 Tech Drive, Andover, for a Common Victualler license for use at 6 Tech Drive. The application has been reviewed and approved by the Town Clerk and is subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

September 11, 2006 (Cont.)

IV. Approval of Consent Agenda Items (Cont.)

C. One-Day Beer & Wine Licenses

1. It was moved by Selectman Major that the Board approve the request of Joseph Bevilacqua, on behalf of the Andover Chamber of Commerce, 264 Essex Street, Lawrence, MA, for a one-day beer & wine license for use on Thursday, November 2, 2006 from 6:00 P.M. to 8:00 P.M. for the Taste of Andover at the Andover Town House. This application has been reviewed and approved by the Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

2. It was moved by Selectman Lyman that the Board approve The request of Marilyn Stasonis, Atria Marland Place, 15 Stevens Street, Andover, for a one-day beer & wine license for use on Thursday, September 14, 2006 from 3:30 P.M. to 5:30 P.M. for their 10th Anniversary Open House at the facility. This application has been reviewed and approved by the Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Hess, voted and approved 4-0.

It was moved by Selectman Major that the Board approve the request of Carol Round, on behalf of the Andover Federal Credit Union, 19C Lupine Road, Andover, for a one-day all-alcoholic beverage license for use on Thursday, September 14, 2006 from 4:00 P.M. to 7:00 P.M. for their grand opening and annual meeting at 19C Lupine Road. The application has been reviewed and approved by the Town Clerk and is subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Hess, voted and approved 4-0.

1. It was moved by Selectman Hess that the Board grant permission to Wendi Williams, 20 Arundel Street, to block off her street on Saturday, September 30, 2006 (rain date - Sunday, October 1, 2006) from 1:00 P.M. to 7:00 P.M, for a neighborhood block party. Arrangements for the block party request has been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

2. It was moved by Selectman Major that the Board grant permission to Ellen Schneider, 31 Stirling Street, to block off her street in front of #30, #31, #32 and #34 on Saturday, September 16, 2006 (rain date Sunday, September 17, 2006) from 3:00 P.M. to 8:00 P.M. for a neighborhood block party. Arrangements for the block party request has been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Hess, voted and approved 4-0.

D. One-Day All-Alcoholic Beverage License

E. Block Parties

V. Public Hearings

A. National Grid and Verizon New England, Inc.

A public hearing was held to hear the request of National Grid and Verizon New England, Inc. for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Holt Road at #31 - approximate location shown on Plan No. 70-331 dated 7/5/06.
- Whittier Street at #41 - approximate location shown on Plan No. 1096597 dated 8/7/06.
- Lowell Junction Road at #3 - approximate location shown on Plan No. 967536 dated 8/8/06.

All three requests have been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

David Boushar, Representing National Grid, appeared before the Board to speak on this request. He explained the following:

Holt Road at #31: They have a support guide line in the tree, put in over 58 years ago to support it when they came into the area with electricity. The resident at #31 wants the tree out of the way and taken down. This request is for a new pole placed on the left side of the driveway in the public way to support the line across the street.

Whittier Street, #41: The resident at #41 would like to place a driveway at their property and in order to do so move their existing pole 8' to the right.

Lowell Junction Road, #3 where it meets River Street: Currently the pole is in a position where they cannot gain access to it from the street. They want to move it 15 feet in a westerly direction to have it in a spot where they can get access to their wires at any time.

On the Lowell Junction Road request, Chairman Vispoli read the E-Mail and letter he had received from two citizens. Issues raised were as follows:

1. E-Mail from Sajid Durrani - RE: 3 Lowell Junction Road. They have been working closely with National Grid on this matter. The only access to this pole is in their front lawn and each time work is required at the pole, damage results in their lawn. They are in favor of the relocation but want to assure that all damages to their lawn sustained from earlier in the summer and in the relocation process be corrected and that the old pole be removed immediately.

September 11, 2006 (Cont.)

V. Public Hearings (Cont.)

A. National Grid and Verizon New England, Inc. (Cont.)

2. Letter from Matthew Keamy, 99 River Street - Re: 3 Lowell Junction Road. River Street had new utility poles installed over 7 years ago. The old utility poles have never been removed. These poles are directly adjacent to the one proposed in this petition. He requested the Board of Selectmen not rule in favor of these petitions unless the old River Street poles are removed.

After a discussion, Mr. Boushar said he would look into Mr. Durrani's request and John Gleason from Verizon assured he will take care of Mr. Keamy's request. Mr. Gleason said if all utilities are off then Andover is a National Grid pole set so it would fall on them to remove the dead wood. Mr. Boushar said if that were the case, National Grid would not have any problem removing them. Mr. Gleason said he would look into this and get back to the Town tomorrow.

In addition to those conditions, Chief Brian Pattullo asked that if the Board see fit that they ask National Grid to not proceed with any work in town until they are caught up on their payments to the Andover Police Department. He said that payments in excess of \$22,000 have been due since March and April of this year for police detail fees. Mr. Boushar said that he was aware this issue may come up and said that on Friday a check was sent out in the mail. Chief Pattullo said he hadn't received the check as of this day and will tell the Manager when he does receive the money.

Selectman Hess moved approval of the National Grid and Verizon, New England, Inc. requests for relocation of the pole on Holt Road #31 and Whittier Street at #41 subject to the condition that they receive payment from National Grid for back fees for private details. The motion was seconded by Selectman Major, voted and approved 4-0.

It was moved by Selectman Hess that the Board table the request for Lowell Junction Road #3 and continue the hearing to September 25th. The motion was seconded by Selectman Lyman voted and approved 4-0.

B. Verizon New England, Inc.

A public hearing was opened to hear the request of Verizon New England, Inc. for permission to lay and maintain underground conduits, pedestals and manholes, with the wires and cables to be placed therein, under the surface of the following public way:

- Haverhill Street - place approximately 6 feet of underground conduit for connection to the interior of #16 Balmoral Street - approximate location shown on Plan No. 394 dated 9/1/06.
- Lowell Junction Road at Gregory Circle - place approximately 72 feet of underground conduit - approximate location shown on Plan No. 395 dated 9/1/06.

These requests have been reviewed and approved by the Department of Public Works with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

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V. Public Hearings (Cont.)

A. Verizon New England, Inc. (Cont.)

John Gleason, Verizon New England, Inc. was present to speak on the request. He said the first petition was for #16 Balmoral Street. The work has been prompted as a result of the flooding that took place in Shawsheen in the spring. It will require a sidewalk cut but no street cut. The second petition is a request to place 72 feet of conduit along the northerly side of Lowell Junction Road to pole #3. This is to service a new subdivision, Gregory Circle. The work will be all soft shoulder work.

It was moved by Selectman Hess to approve the above requests from Verizon New England, Inc. for Haverhill Street, 6 feet of underground conduit, and Lowell Junction Road at Gregory Circle for approximately 72 feet of underground conduit. Both requests have been reviewed and approved by the Department of Public Works. This approval is with the condition that a street opening permit must be obtained from the Department of Public Works prior to any construction.

The motion was seconded by Selectman Major voted and approved 4-0.

VI. Citizens Petitions and Presentations

A. Archibald D. Maclaren, Jr.

Archibald D. Maclaren, Jr., was present at the meeting with Bruce Symmes, Town Assessor, and a member of the Board of Assessors, John Petty. Chairman Vispoli read the proclamation for Mr. Maclaren from the Town of Andover. He was cited as the Town's first Chief Assessor and both as a Member and Chairman of the Board as Assessors for forty-seven years. He was recognized for the significant contributions he has made to the Committee. Mr. Maclaren was presented the Proclamation and received a loud round of applause and handshake from the Selectmen and Town Manager.

Mr. Maclaren thanked the Board of Selectmen and Town Manager for all their great support and understanding of the work they do and assured that they have a great office staff, Assessor and Board. He thanked the Selectmen for allowing him to be a part of it. Also attending was Archie Maclaren's wife, Helen.

The Manager read the press release announcing that the Massachusetts Association of Assessing Officers has awarded the 2006 Lucille Bayes Clerk of the Year Award to Jane Melia of the Town of Andover Assessors' Office. The Manager said Ms. Melia is exemplary of a municipal employee and of customer service and that this was an honor long overdo for her. He asked Town Assessor Bruce Symmes to congratulate her and thank her for her service to the Town. He then asked Mr. Symmes to explain the functions of his office, which he did. Mr. Symmes said the Board of Assessors is a three member Board, two part time members and himself. In the office, they have a full time Assistant Assessor Susan Moore, Field Lister Don Dagger, Office Manager Ann Berthold and Senior Clerk, Jane Melia; a total of five full time employees and two other part time members of the Board. After all discussion, the Manager thanked Mr. Symmes for the great job he does. Mr. Maclaren was again thanked for coming in and for his service to the town.

B. Presentation by Board of Assessors

VI. Citizens Petitions and Presentations

C. Jim Doherty - Re: Crossing Guards for St. Augustine's School

Jim Doherty, 9 Juniper Road, told the Selectmen he was before them this evening to speak on behalf of the children of St. Augustine's School. He said this may not be the Board's immediate or direct responsibility but in a sense a liability issue on the lack of crossing guards at the school. He said he was very close to this because many of his family members attended this school. He was very concerned and wanted the children down there protected. He felt the \$12,000 cut which was the cost for the crossing guards can be found in the \$55 million budget of the Town a lot easier then out of a much smaller budget by people who work very hard to pay a tuition fee there as well as for their taxes to the Town of Andover. He felt he should bring this to the Board's attention to see what they can do about it. He then introduced to the Board St. Augustine's pastor, Father Bill Cleary, to speak on the issue.

Father Cleary told the Selectmen it was a privilege to speak before them. He said he was very concerned about this cut and even stopped his work to go out and cross the children to protect them himself, something people have been doing for them for a very long time. He read from the Mass. General Laws Chapter 76, the part he feels applies here, "pupils that attend approved private schools in elementary and high school grades shall be entitled to the same rights and privileges as to transportation to and from school as are provided by law to people in public schools and should not be denied such transportation because their attendance is in a school which is conducted under religious auspices." He said as long as they have had the busing situation and dropping kids off at corners where there is possible traffic, they have had crossing guards paid by the School Department. It was important from his standpoint to view what is happening when the bus stops and kids get off; one will see it is necessary to have guards and they should not be denied. He said he has only been in Andover for a couple of years and loves the Town and the spirit that it has. He has participated in reading to children in the public schools and they have been invited to their school. He would hate to see that spirit ruptured by this.

The following individuals came forth and spoke on this issue:

Margaret Russo, 51 Lovejoy Road, said she was here as a concerned citizen of Andover for the safety of the children. As a nurse practitioner, she said she wanted to make the Board aware of the implications of no crossing guards. She said that crossing guards are there to protect their children and also allow them safe transport across Town roads. She asked that the Town look at the long-term implications of this because she didn't think when this matter was raised that people really looked at that issue. She emphasized that crossing guards are not expendable because of the safety of their children.

Janie Moffitt, 68 Beacon Street, said she has 7 children, 3 children at St. Augustine's School and her older four have gone through Andover High School. She said this is a safety issue as well as an Andover resident issue. She felt she has given more then her share to the Town and this a relatively small request for the safety of their kids as well as for the safety of anybody that drives Central or Chestnut Streets, the busiest part of Andover. She said that perhaps the Town Manager and Selectmen could help them brainstorm and come up with some other suggestions. She felt the School Committee was very closed to them and treated them very badly. She hoped the Selectman will come up with a suggestion for them and soon.

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VI. Citizens Petitions and Presentations (Cont.)

C. Jim Doherty - Re: Crossing Guards for St. Augustine's School (Cont.)

Elizabeth McLaughlin, 4 Gudrun Drive, said everyone agrees that the Commonwealth of Massachusetts mandates that all cities and towns provide transportation to the schools whether private or public. This Town carries that further and for the past years provided crossing guards. This should be for all schools in Andover but the School Committee made a budget decision in the spring to selectively eliminate the financing of crossing guards in two locations near the St. Augustine's School. As the two locations are School Street at Central and Chestnut Streets, clearly the decision was not made on the traffic of these two sites. These locations are busy crossroads. The School Committee members have publicly stated that the decision was based on the review that the crossing guards were located near St. Augustine's School and they should not provide safety service for the children on the way or leaving a private school.

Kathy Hebert, 6 Beacon Street, said Beacon Street was one of the busiest streets in the Town of Andover. She has three children at St. Augustine's; one graduated last year. She said there is a crossing guard on Beacon Street that monitors traffic and crosses 4 children in the morning and 4 children in the afternoon. When her kids get on the buss in the morning there are traffic stops right down Beacon Street. It was easy for her children when the crossing guard was there but that have been since told that in the afternoon the guard has to leave before her children get home. Prior to this, the guard used to stay until her kids got off the bus and helped them cross; now they are crossing Beacon Street alone. Because she can no long rely on that crossing guard, Ms. Hebert said she suggested having her kids get off at a different house so they can go through her back yard and not have to cross Beacon Street. When the school board was looking to axe people, she suggested they take that crossing guard from across the street and take those children she is crossing and have them take transportation. Instead they just said they are not going to do it for private schools any more. She said she feels this was discrimination.

Ann Kendall, Principal of St. Augustine's School, said she was very concerned about the safety of the 468 students in her school. She asked the Selectmen to stop and think about this and brainstorm with them to solve this problem.

Eric Eldracher said he would argue that it would be very hard to ask these parents as tax payers in the Town of Andover to pay twice for a service they feel is warranted. He said he would like them to take a second look at the arbitrary selection of removing those crossing guards with no traffic study, or anything that would indicate it was safer there today then it was yesterday.

Paul J. Burke, said he was a resident of North Andover and an attorney whose son attends the school. He said he had written to the School Committee raising his concerns. The Selectmen had a copy of the letter. He said his reading of Massachusetts General Laws, Chapter 76 indicates that this is an issue of transportation and denying funding for crossing guards at Saint Augustine's School is a clear violation of the law. He said that historically, the School Committee has been providing crossing guards and it has been said that this is just a funding issue. However, he felt they have to provide the same rights to schools that are private as public schools under the law.

September 11, 2006 (Cont.)

VI. Citizens Petitions and Presentations (Cont.)

C. Jim Doherty - Re: Crossing Guards for St. Augustine's School (Cont.)

Andover Police Chief Brian Pattullo said the key point is the interpretation of what transportation covers. He said there is no disputing there should be crossing guards there to reinforce the crosswalk in place in front of the school. It comes down to the attorneys for the school interpreting that transportation is motorized transportation that is required under law. The Chapter is specific about bus transportation, vehicle transportation but no provision about pedestrian transportation. Chief Pattullo said there is not a funding stream in the Town side of the budget to provide for crossing guards or transportation to the schools and it would have to revert back to the School Department's transportation budget if determination is that it is covered under that Chapter.

David S. Samuels, 7 Ridge Hill Way, a member of the School Committee was present at the meeting and commented on this issue for informational purposes only. He said that last year when the Board of Selectmen let them know or asked them why are they providing funding for a private school's crossing guards most of them were unaware they were doing that. In looking into that and meeting with legal counsel, it was determined that not only are they not legally required to do that but the Massachusetts State Charter prohibited using Andover school public funds to fund private school activities or services. The School Committee then voted to discontinue that service for this fiscal year. They met with the principal of St. Augustine's and let her know that and offered that they would administer it for them and carry out the service but it would be their responsibility to cover the \$11,000 cost. They did not hear back from the St. Augustine's School. Mr. Samuels agreed they need a crossing guard there and concerned about the safety of the kids but he said it was their responsibility to follow the law. Mr. Samuels said there must be some way to get crossing guards there immediately; it may be a public safety issue and potentially a Town issue. It just can't go through the Andover public school budget.

After all discussion, Chairman Vispoli said the Selectmen will facilitate a discussion between the Chairman of the Board of Selectmen, Chairman of the School Committee and the Principal/representative of St. Augustine's School to see if they can come up with an acceptable solution by this Friday.

Mr. Doherty thanked the Selectman for their time and effort on this.

VII. New Business

A. Andover Cable Advisory Committee

Chairman of the Andover Cable Advisory Committee, Jack Dempsey, appeared before the Selectmen and gave a status report on the cable TV license negotiations with Verizon.

Mr. Dempsey first introduced another member of the Committee that was present, Jack Flynn. He said the Cable Committee has been working with the School Department's Ray Tode, Director of Informational Systems and Educational Technology, and the Town has been represented by Tony Torrisi, Director of Finance and Budget. Also, the Town has hired Special Counsel William Solomon who is helping them negotiate the contract with Verizon.

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VII. New Business (Cont.)

B. Andover Cable Advisory Committee (Cont.)

Mr. Dempsey said they have come to a tentative agreement with Verizon. They have settled all the major issues but still have a few items left to be negotiated. Mr. Dempsey said the gist of it is they are asking for a 5% fee from Verizon to finance the PEG access channels and for the technology fund. As part of the technology fund they are trying to update the I-net that runs through the Town/School buildings.

Mr. Dempsey explained that the technology they have had for the I-net was brought in 12 years ago by Comcast. At that time, it was state of the art and Andover was one of the most advanced towns in the state using it. However, since then the technology has changed and everything is all fiber now. Their old system is partial fiber and partial coax and not as reliable as it used to be. Comcast has said they will maintain the system the way it is as their contract has said but they feel that is not good enough for today's technology. Mr. Dempsey said they are now proposing to build a new I-net. Verizon will not build the I-net so the funding they are asking in the 5% is for PEG access and to build the I-net.

Mr. Dempsey then explained how this would affect residents. He said the average bill in town is about \$60. A 5% fee on that will be \$3. Presently the subscriber pays \$1.60 on his bill for a fee; the 5% will reflect an \$1.40 increase on the average bill. As for the basic subscriber's bill, which is \$40 a month, the average increase for that subscriber will be \$.40.

Mr. Dempsey said the Town has advertised a public hearing on the Verizon contract at the September 25, 2006 Board of Selectmen meeting in this room. This will allow citizens of the Town to speak on what they would want to see. He encouraged the Selectmen to ask their questions and voice their concerns at this meeting. Mr. Dempsey pointed out that Comcast's original contract was written with level playing field so this is the type of thing they have been trying to negotiate with Verizon. Verizon has been told this is what Andover needs and this is what Comcast supplies. In answer to Chairman Vispoli, Mr. Dempsey said that if the Town reviewed the contract as distributed with those several items they have and assume they can negotiate the contract and the Board finds it acceptable, and if the public has nothing significantly different they want them to incorporate, Verizon may ask the Board of Selectmen to vote approval of the contract in two weeks. If the Selectmen choose to sign the contract that evening, Verizon will be ready to start turning on service in sixty days.

H

e said that all of the aerial wiring in the Town has been done. If a resident decides to go with Verizon, all Verizon has to do is take a drop from the post and bring it to the house and put a box on the outside of the house and they are ready to go. He said the underground wiring is their biggest problem and spoke briefly on that.

In answer to Selectmen Major, Mr. Dempsey said he did not think there were any issues that couldn't be resolved in the next three weeks. Selectmen Hess and Lyman noted that a senior discount would be an important concern to the Board. Mr. Dempsey said that is a side agreement that Comcast has with the town now. The Selectmen said this would be brought up with Verizon.

Selectman Lyman thanked Mr. Dempsey on the number of hours he has put in negotiating this contract. Chairman Vispoli also thanked Mr. Dempsey and the Committee for all their hard work on this.

VII. New Business (Cont.)

C. Resident Stan Riemer

Stan Riemer, 13 Hanson Road, appeared before the Board to discuss his proposal for sound barriers on 1-93. He thanked the Selectmen for the opportunity to speak tonight. He said he is the voice for people of Andover and the committee for the quality of Life on 1-93 of which he is Chairman. He said this is in response to a letter sent to the Selectmen on August 23 along with a petition. He said he has lived in Andover for 10 years; most of his neighbors were here for a lifetime. Over the past 20 years 1-93 traffic has progressed and gotten worse and worse. They were granted to have a Type I sound barrier built five years ago. This program differs from other communities on the waiting list for barriers because it is deemed necessary because of constructional changes to the highway. In 2001, the breakdown lane was used to alleviate traffic. This allowed the 1-93 area of Andover to be considered and eventually approved for a Type I sound barrier. The question remains why the barriers have not been built. Mr. Riemer said the Merrimack Valley Planning Commission has made a recommendation to the state to permanently widen 1-93. This means they will have to wait an additional 5 years if not longer on top of the 5 years they have already waited. He said he learned that the best way to get the sound barriers built by Mass. Highway is to get their state/federal representatives and local officials behind them. Mr. Riemer then read from a prepared letter in which he asked that the Chairman of the Board to write a letter to the Secretary of Transportation, Commissioner of Highways and Governor on behalf of the Town of Andover in support of the construction of those barriers along Andover's section. Also, he asked for the opportunity for their Committee's representative to speak five minutes at each monthly meeting to update the Board on the progress of their course. They would also like to meet with Town Counsel to bring him up to date on this issue.

Chairman Vispoli said that he personally would not see a problem writing a letter since this is going to be paid by State and Federal funds. He said the best thing might be to get this letter in place and work with Senator Tucker on what the language should reflect and see what happens. He had no problem with updates and getting this back on the agenda but suggested he work through the Town Manager when he has new information to report.

After a brief discussion, it was moved by Selectman Major that the Town Manager draft a letter for the Chairman's signature representing the Board to the Massachusetts Highway Department and copy to their state delegations requesting that this effort to create the barriers be put in a faster mode. The motion was seconded by Selectman Hess, voted and approved 4-0.

In response to the Manager, Kate Rivers, 8 Starrwood Crossing, gave a brief report on the Town of Lexington and how they handled this issue. She said she was asked to contact Edward Turquoe in Lexington who told them about their 3-year fight. Mr. Turquoe had the backing of Senator Happer who understands the system and how the Mass. Highway works. Ms. Rivers said Mr. Turquoe is looking for the letter Lexington Town Counsel sent to Mass. Highway on behalf of the Chairman of the Selectmen. He is eager to help the Town of Andover but didn't feel they had to sue. He felt the best way to accomplish this goal was with the help of Senator Tucker and Representative Finegold and having the Selectmen behind them.

September 11, 2006 (Cont.)

VII. New Business (Cont.)

C. Resident Stan Riemer (Cont.)

Senator Tucker said the good news is that these barriers are funded 90% Federal and 10% State so clearly Andover is not being asked for financial muscle behind this as the barriers are very expensive. She said there are hundreds of neighborhoods that feel their quality of life is impacted because of the growth of the transportation system. They all know that the growth of traffic on 1-93 has quadrupled. What may have been a minor inconvenience is now almost a public safety issue and the noise is very loud. Senator Tucker said that she and Representative Finegold are going to bat for this community and she has already done that. She said it is important that the political voice speaks in the town as one voice. Selectman Hess suggested they also send a copy of the letter to Congressman Meehan.

Representative Finegold echoed what Senator Tucker said. He said this is something they have talked about for 10 years. If there is any movement to expand in 1-93, he said they would emphasize not until they get the barriers in. He said there are a ton of transportation projects they are trying to push through but this is a top priority for them. Representative Finegold said he appreciated all of their support.

D. Police Chief Brian J. Pattullo - Downtown Parking Voucher Program

Police Chief Brian J. Pattullo appeared before the Board and briefly spoke on the downtown parking voucher program that is being offered by a specialist in Parking Management Systems that they are considering. He said this was as a result of the suggestion of Chairman Vispoli who saw this at a trade show. Chief Pattullo said the new program would be a supplement to their parking program and the company offering the proposal. It is the only company that provides it but they would still would have to go out to bid if they choose to use it. After reviewing the program in a meeting with the company and Collector Treasurer David Reilly, Parking Clerk Dave Cantone, Lt. James Hashem and himself, they all think it is a great system and that it would be beneficial for retailers downtown and for the merchants using the lots.

In describing the program, Chief Pattullo said people using the lots on a daily basis would buy a voucher book from designated merchants downtown and leave the book in the vehicle. When they need to park, they would scratch off the date, the time they went in, and how many hours they want to stay and place it in their window. Whoever sells these vouchers puts a sticker in their window and gets 6% of the sale. The Town doesn't manager the program at all. The management is done by the company and there is a cost to do that. Depending on how many they sell and how many lots they put it in it could be about 8 to 10% or as high as 20%. With the number of lots they have it would be at the lower percentage. Chief Pattullo said this would be another means for people to pay for parking and not have to run back and forth to a machine.

Chief Pattullo said he felt this was a good program and would like to continue investigating it if the Selectmen agree. The Selectmen had no objection in doing that. Chief Pattullo said he will move forward and will get more cost analyses done on the program.

Chairman Vispoli thanked everyone from the neighborhood for coming.

September 11, 2006(Cont.)

VII. New Business (Cont.)

D. State Accreditation - Andover Police Department

Police Chief Brian J. Pattullo said the Police Department has been working towards accreditation for a number of years and Police Sergeant Connolly has been their Accreditation Manager. Chief said that back in May of 2005 they received state certification, which is the first process in the accreditation process. They applied for the Massachusetts accreditation and they were the 22nd department in the state to be certified June 1 of this year. He said there were 336 standards they had to meet, the standard put together for all the police agencies throughout the country.

Chief Pattullo showed the new manual that Sgt. Connolly put together with the help of himself and Lt. Ricci, Lt. James Hashem, Sgt. John Pathiakakis, Lizeth Menard, Officer Robin Cataldo and his Assistant Elaine Georato. He said it is a road map that shows them how to do everything. Every officer has a copy of this manual and refers to this on a regular basis. He then read the certificate that was awarded to them in June and congratulated Sgt. Connolly and his department for all their help. Sgt. Connolly said she did find this to be a small labor of love, to be able to leave a legacy of a manual to the Department. She said it is a good tool for the officers to use and for everyone to be on the same page. Chief Pattullo said this is a living document and it will be continually updated. In answer to Selectman Major, Chief Pattullo said being the 22nd department accredited in the State is very significant and a lot of work for his Department. He said they are the first in the Merrimack Valley to be accredited.

Chairman Vispoli commended the Police Department for this achievement. Selectman Hess felt it was very important to have everything documented. He felt every department in Andover should have a similar manual and encouraged other departments to look into doing that too.

E. 2007 Annual Town Meeting and Election Calendar

Chairman Vispoli said he has received a request that Town Meeting be put off a week because the planned date is the first week back from spring break. He asked the Town Clerk if this was possible. A discussion was held on whether or not to change the date. Selectman Lyman suggested that perhaps they could open the meeting Wednesday or Thursday of that same week instead of on Monday. Ms. Hanson noted that the School has already been told of the dates and may have arranged their calendar accordingly.

After all discussion, it was moved by Selectman Lyman and seconded by Selectman Hess to accept the Annual Town Meeting and Election Calendar as presented by the Town Clerk. The motion was voted and approved 4-0.

F. Future Selectmen Meeting Dates

The Board set future meeting dates for October, November and December 2006 and January 2007 as follows:

October 10 and 23, 2006
November 6, 15 (Mid Year Review), 20 and 27(Tri-Board Meeting), 2006
December 4 and 18, 2006
January 8 and 22, 2007

VIII. Old Business

A. Selectmen's Subcommittee Report - Melmark School's Sewer Request

Selectmen Hess said he and Selectman Major as a subcommittee met with representatives of Melmark School last week to discuss revisiting the issue of Melmark School being allowed to use the Town sewer. Representatives of Melmark were present at meeting to discuss this issue. They were: Peter Troy, Chief Operating officer of Melmark, member of the Board Larry Tankro and David O'Brien. Mr. Troy said they were excited about their new building and are feverishly working on hopefully opening at Thanksgiving. Their septic system will be placed in the front but before they do that, they would like to look into the possibility of revisiting the issue of connecting to sewer by the Intermunicipal agreement with Lowell and Tewksbury for that sewer to avoid the cost of the \$150,000 septic system they are to install.

Mr. Troy said there were two primary issues for that: 1. The septic system will only facilitate the classroom areas of the building as they couldn't create one that would facilitate the large multi use area. Thus, that portion of the building would be basically off limits for use. The other is the cost overruns they have run into, the burners, furnaces, etc. that were going to have additional life, need to be replaced sooner. He said they have \$900,000 in cost overruns.

Mr. Tankro said they were thankful for the meeting with the subcommittee of the Selectmen. He said there are major cost constraints on them and before they put \$150,000 in the ground for a septic system, they thought they might come back to the Board of Selectmen to see where things stand. He sited significant differences from when they last spoke, i.e., back then they did not own the building and were working in concert with two other parties. Now they are in essence stand-alone. He said he knew the Board has concerns with the Franciscan property. He assured the Board now that they are going to be living there. their long term hopes for the property are in concert with this Board to see the land that is forest would remain undeveloped. They would work with the Town to achieve that goal.

Selectman Major said the primary concern from their point of view was what kind of precedent would be set if they allow an entity to pipe into the Tewksbury line and would it open things up to the rest of the property. Their second concern is the Avalon property.

The Manager said he talked to Town Counsel on this and his best advice is that the Avalon lawsuit shouldn't be overlaid on this decision. His concern was the Town Meeting vote in 2004 that gave the Board authority to enter into an Intermunicipal Agreement with Tewksbury and both property owners of lot 5 which was the whole Franciscan property which has been subdivided into the property owned, approximately 60 acres the acres for the 10 homes and the acreage for the Christian Formation Center and adjacent property. Town Counsel said the issue has to do with the way the article was worded and the fact that the restriction is placed on the entire property.

Selectman Lyman said the difficulty is that while things have changed on Melmark's side they have not changed on this side. The Manager said one option discussed on this a year ago was to go back to Town Meeting and have a warrant article on this.

September 11, 2006 (Cont.)

VIII. Old Business (Cont.)

A. Subcommittee Report - Melmark School's Sewer Request (Cont.)

Selectman Hess said it still appears to him that the Town Meeting's intention was to tie up the whole property and not portions of it which is the position the Board took last year. After all discussion, it was the consensus of the Board not to take any further action on this. Chairman Vispoli thanked the Board's subcommittee for their consideration of this issue and Melmark for meeting with them this evening.

B. Town Manager's Update on the Draft Vehicle Use policy

The Board had a copy of the updated draft Vehicle Use Policy. The Manager reported that the draft copy has been circulated to the Selectmen, Staff, Department Heads, Town Counsel, Town Labor Counsel, MIIA, the Town's insurance company and they are all providing comments back to him. Also, he said he just had a meeting with the Board's subcommittee and they are going over issues with it. Next, they need to set up follow up meeting with Department Heads. The Manager said they are surveying the 16 comparable towns to Andover to see how they deal with automobiles, usage, take home vehicles, etc. Town Accountant to look at the whole IRS issue involving the value of the vehicles for retirement purposes. He is going to the two different methods, either the per diem method or lease said the blue plates are in place for two vehicles that did not have blue plates. He is lso working on the Town seal issue and the 9" seals are on order but said they may want to talk about what size may be appropriate. He felt the size of should be appropriately sized to the shape of the door and vehicle.

C. Manager's Performance Review

Selectman Major said the Board needs to set a date to start reviewing the Manager's performance review. It was the consensus of the Board to plan to meet 6:00 to 7:15 p.m. before the Board's Regular meeting on September 25th in Executive Session to discuss Personnel Issues/Contract negotiations.

IX. Approval of Minutes from Last Meeting

It was moved by Selectman Lyman that the Board approve the minutes of the August 21, 2006 - Regular Meeting as written. The motion was seconded by Selectman Hess, voted and approved 4-0.

X. Adjournment - 9:35 P.M.

It was moved by Selectman Hess that the Board close the Regular Meeting of the Board at 9:35 p.m. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Elizabeth A. Kochakian
Recording Secretary